IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16/03/2004

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THE HON'BLE MR.JUSTICE P.D.DINAKARAN

W.P.No.7080 of 2003 and W.P.No.7081 of 2003

M.Anandan .. Petitioner
in WP:7080/2003

G.Babu .. Petitioner
in WP:7081/2003

-Vs-

1. The Tamilnadu Electricity Board
rep. by the Superintendent Engineer
Chengalpet Division
Chengalpet.

2. The Executive Engineer
Tamilnadu Electricity Board
Sriperumbudur
Thiruvallur District.

3. The Junior Engineer
Kilanur Sub-Station
Kilanur
Thiruvallur District. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issue of a writ of Certiorarified Mandamus as stated therein.

For Petitioners : Mr.N.Baskar

For Respondents : Mr.G.Vasudevan

:ORDER

1.1. According to the petitioners, they purchased lands of an extent of 4 acres and 3 acres respectively, along with the agricultural electricity service connections bearing Nos.35 and 25 respectively in Melakondiayur Village, Thiruvallur District. However, due to cyclone in the year 1994, the electric posts running in the petitioners lands were removed, of course, at the request of the petitioners and consequently, their service connections

were also disconnected with an assurance of restoration of electricity supply as and when new electric posts were erected.

1.2. Alleging that, even though the respondents erected new electric posts, till date they have not restored the electricity supply to the petitioners, and on the other hand, by proceedings dated 28.12.2002 , the first respondent rejected the request of the petitioners for restoration of electricity on the following grounds (i) that there are arrears of electricity charges payable by the petitioners; and (ii) that the petitioners failed to avail the benefit of the scheme which provides for restoration of the service connections, if arrears of electricity charges were paid within the stipulated time, viz., on or before 30.9.1996, the petitioners seek a writ of Certiorarified Mandamus to call for the records of the first respondent relating to his proceedings even dated 28.12.2002, to quash the same and to consequently, direct the respondents to restore the service connection Nos.35 and 25 respectively.

2.1. Assailing the said order dated 28.12.2002, the learned counsel for the petitioners contends that the first respondent never informed the petitioners as to the arrears of electricity charges liable to be paid by them. In this regard, placing reliance on the decision of this Court dated 13.8.1999 in W.P.No.7221 of 1999, the learned counsel for the petitioners submits that the refusal of restoration of electricity service connection on the ground of non-payment of arrears of electricity charges without intimating the same to the petitioners is illegal; and that in view of the refusal of restoration of electricity supply, the petitioners could not effectively carry on their agricultural operations.

2.2. Mr.N.Baskar, learned counsel for the petitioners placing reliance on a decision of this Court dated 28.2.2002 in W.P.No.4165 of 200 2 submits that since the scheme floated by the respondents was not widely published, the petitioner could not be blamed for not approaching the respondents on or before 30.9.1996.

3. Per contra, Mr.G.Vasudevan, learned counsel appearing for the respondents, of course, placing reliance on the averments stated in the counter affidavit, contends that the electricity service connection of the petitioners bearing S.C.Nos.35 and 25 respectively were disconnected for non-payment of consumption charges as early as on 17.8.1988 and further contends that the petitioners having failed to avail the benefit of scheme for restoration of electricity service connection on or before 30.9.1996 are not entitled to seek restoration of electricity supply at this belated stage.

4. I have given careful consideration to the submissions of both sides.

5. Nowhere in the counter affidavit, the respondents have given details of the notices issued to the petitioners with respect to the arrears of electricity charges payable by them.

6. This Court, under similar facts and circumstances of the case, by

order dated 13.8.1999 in W.P.No.7221 of 1999 held that unilateral disconnection of the electricity supply on the ground of non-payment of consumption charges without proper notice is illegal and directed the respondents therein to restore the electricity service connection on payment of electricity charges.

7. Taking into consideration the fact that the respondents never informed the petitioners as to the arrears of electricity charges payable by them, in spite of the representations of the petitioners dated 2 4.4.2002 and 20.5.2002 respectively, seeking restoration of electricity supply, I am inclined to direct as under:
(i) the respondents shall furnish the details of arrears of electricity charges payable by the petitioners within two weeks from the date of receipt of copy of this order;
(ii) on receipt of such details of arrears of electricity charges, the petitioners shall pay the entire arrears of electricity charges within two weeks thereon; and
(iii) the respondents shall restore the electricity service connection, of course, after collecting reconnection charges, within a period of one week from the date of payment of arrears of electricity charges by the petitioners.

These writ petitions are ordered accordingly. No costs.

Index : Yes
Internet : Yes

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